

Pre-appeal Brief

Application Serial Number 10/625,783

Filed: July 23, 2003

By: Derossett et al.

For: METHOD AND APPARATUS FOR
INSCRIPTION OF AN IMAGE ON A SURFACE

This pre-appeal brief is filed in conjunction with the Notice of Appeal from the final rejection of the claims of this application dated March 24, 2006.

Status of the Claims

The claims remaining in the application are claims 1-6. All claims are rejected under 35 USC § 102 as anticipated by Drouillard et al., US Pat. 5,897,797.

Brief Summary of the Invention

This invention relates to the laser etching of indicia on a surface, such as VIN numbers on automobile windows. More particularly the invention relates to an emitter/marketing head assembly where the marking head is pivotally affixed directly to the emitter housing by means of a pivot joint. The laser beam path is short and passes from the laser in the emitter housing to an alignment mirror where it is directed through a port in the pivot joint into the beam directing apparatus and lens in the marking head. In this manner the requirement for, and the disadvantages of, an intervening device to provide an elongated optical path associated with prior art laser etching devices where the laser is remotely located with respect to the marking head are eliminated.

Prior Art Reference

Drouillard et al. relates to a laser marking system for produce such as tomatoes, oranges and the like. Drouillards' system employs a laser tube 126 that is remotely located with respect to the scanning head. As is most clearly shown in Figure 12 the laser

beam passes through an **articulated beam delivery arm 128** to the scanner head 50. As correctly stated by the Examiner in the final rejection, “The articulated arm and conduit are a flexible link for the transfer of the laser beam between the main cabinet and the remote scanning head.”

Rejection under 35 U.S.C. § 102

The Examiner maintains her rejection of applicants’ laser etching system as anticipated by system of Drouillard et al. where the laser emitter is remotely located with respect to the scanning head. The Examiner maintains that the articulated arm represents the direct attachment of the emitter to the marking head. Applicants maintain that the **elimination of the articulated arm** represents a substantial improvement over the prior art devices such as represented by Drouillard et al..

The present invention defines an emitter/marketing head assembly comprising a marking head pivotally attached directly to a wall of the emitter housing. There is no intervening articulated arm between the emitter housing and the marking head. The optical path is essentially from the emitter housing to the marking head and the need for an articulated arm for provision of an optical path from a remote laser source to a marking head is eliminated. As pointed out in the specification articulated arms require costly and time consuming adjustments to maintain the optical path for laser etching of indicia on a surface.

For the foregoing reason it is submitted that the rejection is not supported and should be overturned.

Objection under 35 U.S.C. § 132(a)

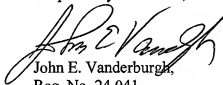
The Examiner has objected to applicants' amendment to the specification as constituting new matter. The objection is to the addition of the word "directly" at page 5, line 1 in reference to the attachment of the marking head to the emitter housing. It is submitted that this is not new matter and is supported by the showing in Figures 1,2 and 6 in the application as originally filed. The pivot joint is just that, a joint which allows the marking head to be attached to a wall of the emitter housing.

The objected to amendment to the specification is fully supported and does not constitute new matter.

Conclusion

In light of the above remarks , applicants respectfully that the panel render a decision that the claims pending in this application are in condition for allowance in order to avoid the necessity of an appeal.

Respectfully submitted,



John E. Vanderburgh,
Reg. No. 24,041
Stites & Harbison, PLLC
400 West Market Street
Louisville, KY 40202-3352
Phone (502) 587-3400
Facsimile (502) 779-8296